

Exhibit 15
(Previously Filed Under Seal as Dkt. 317-3)



3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

Heather J. Kliebenstein
612.371.5213
hkliebenstein@merchantgould.com

May 2, 2019

VIA EMAIL

Christopher Pham
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402
Email: cpham@fredlaw.com

**Re: *Fair Isaac Corp. v. Federal Insurance Co. et al.*,
No. 16-cv-01054-WMW-DTS (D. Minn. filed April 21, 2016)**

Dear Chris:

I write as follow-up to your April 18, 2019 letter to Magistrate Judge Schultz regarding the status of Federal's production of documents responsive to Requests No. 89 and 90. As stated in our April 17 letter, "Defendants must produce documents in response to RFP 90." In your April 18 response, you stated that FED017886 (later supplemented as FED017912 and FED017914, respectively) is the single document responsive to Request No. 90.

We disagree. To date, Federal has not produced any documents in response to Request No. 90. We write to ask you to immediately locate and produce documents in response to Request No. 90. We will raise this issue at the May 8 hearing but write to give Federal an opportunity to cure this deficiency in advance.

By way of background, on December 28, 2018, FICO served Request No. 90 upon Defendants as part of FICO's Fourth Set of Requests for Production. Request No. 90 sought:

EXHIBIT

15

May 2, 2019

Page 2 of 3

REQUEST NO. 90: Specific to each application that uses or used Blaze Advisor® software, all documents relating to the business rules of each application.

The plain language of Request No. 90 seeks documents showing the rules used by each of Federal's applications that use or used Blaze Advisor software, whether stored in a repository, a database, or elsewhere. Federal's January 28, 2019 written response stated that Federal would produce non-privileged documents responsive to Request No. 90.

REQUEST NO. 90: Specific to each application that uses or used Blaze Advisor® software, all documents relating to the business rules of each application.

RESPONSE: Defendants object to this request as overbroad, unduly burdensome, and not proportional to the needs of the case because it seeks "all" documents and is unlimited in time. Subject to and without waving these objections, or the general objections above, Defendants state they will produce non-privileged, responsive documents that are kept in the ordinary course of business at a mutually acceptable time agreed by the parties.

On March 12, Federal stated in an email that Federal was "working as quickly" as it could to supplement its response to Request No. 90. Federal reiterated it was working on collecting and producing documents in response to Request No. 90 via email again on March 22. FICO did not move to compel production on the April 5 deadline for non-dispositive motions based on its reliance that Federal would indeed produce documents in response to Request No. 90. It was not until your April 18 letter to the Court that we understood Federal did not intend to produce any documents in response to Request No. 90.

Documents bearing production numbers FED017886 (later supplemented as FED017912 and FED017914, respectively) are not responsive to Request No. 90. Those charts are (although still deficient) responsive to Request No. 89, which sought:

Request No. 89: Specific to each application that uses or used Blaze Advisor® software, documents sufficient to show (a) the number of business rules in each application; (b) the type of business rules in each application, including, without limitation, underwriting, pricing, claims, renewal processing, and workflow, and (c) the number of daily and monthly batch and real-time business rule transactions for each application.

Request No. 90 asks for the rules themselves. Federal has access to the rules entered into Blaze Advisor. As Mr. Ivey testified, FICO does not keep copies of the rules that are implemented in its clients' applications—the rules must come from Federal.

May 2, 2019

Page 3 of 3

Federal has not produced documents with the rules used by each of the Blaze-containing applications in response to Request No. 90. Please confirm by **Monday, May 6** that Federal will collect the rules and produce such documents.

Respectfully,

A handwritten signature in black ink, appearing to read "Heather Kliebenstein", with a stylized flourish at the end.

Heather J. Kliebenstein

cc: All Counsel of Record